

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING
Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
June 4, 2008 - 7:30PM

Present

Commissioners – Whittig, Walter, Adler, Purcell, Flynn, Lees, and Pomerantz. Also present were Township Manager Bob Layman, Township Engineer Rob Pingar, 4 guests and those mentioned below.

Call to Order

Chairman Purcell led those present in the Pledge of Allegiance to the Flag and called the meeting to order.

Adoption of Agenda

The Agenda was adopted as presented (BW/DW)

Approval of Minutes

The Minutes of the Planning Commission Meeting of May 21, 2008, were approved as submitted (MP/DW). Approved Whittig, Walter, Adler, Purcell, Lees. Pomerantz. Abstain Flynn

Reports.

Mark Purcell reported on the June 2nd meeting of the Board of Supervisors. The Board awarded the 2008 Road Work Contract and decided to invest a portion of the receipts from the sale of the former township building. The Board also spoke of increased enforcement of the recycling regulations in coordination with the state.

Announcements

Elaine Adler reminded PC members that the Crebilly and Presby Conditional Use Hearings will be continued on Thursday, June 5th, at 7:30PM. PC asked for copies of the recent PennDOT letter to CMX, the Presby engineer. Mr. Layman said PennDOT's three major points were construction of a right hand turn lane at 926 for southbound 202 traffic, alignment of the new connector road with Bridlewood in Thornbury, and construction of a second left turn lane for eastbound 926 at 202.

Non-agenda Public Comment.

Dick Pomerantz relayed comments he had received from Township residents on the appointments to the Oakbourne Mansion Executive Committee and asked how the positions had been advertized. Commissioners Purcell, Lees, and Adler supplied some of the background to the Oakbourne Mansion Commission reorganization. Mr. Layman related that the Township Solicitor had been consulted concerning the possible Conflict of Interest issues. Mr. Pomerantz indicated that it was "the appearance of conflict of interest" that was the concern since the appointees to Executive Committee included the wives of two of the supervisors.

Zoning Ordinance Amendment – Lighting.

PC received the draft Amendment dated May 30, 2008. Present for this discussion were Kevin Campbell, WCASD, Chris Lunardi, athletic Director for Bayard Rustin High School, and a number of area residents. Chairman Purcell reviewed the PC's reasons for considering this amendment and the prior discussions, emphasizing that the Commission was aware of the possible traffic, noise and other situations resulting from lighting of sports fields. He also reviewed the Commission's concerns relating to the permitting process for any sports lighting. Ms. Adler said that generally the details of a permit application and support material are not included in an ordinance because it is cumbersome to make even minor changes

if that is the case. She also noted that some of the Commission's concerns may be issues for other parts of the Zoning Ordinance or entirely separate ordinances.

Mr. Campbell stated that the WCASD would expect to go into detail concerning its contingency plans for handling issues like health and safety and traffic at the time of the actual application for lighting.

Mr. Purcell listed the following as matters which the PC believes should be addressed in the permitting process: administration of permit requirements, insurance, traffic control, police notification, contingency planning in case of emergency, other health and safety issues.

Mr. Purcell also noted that the Commission did not unanimously support this amendment as written and that there had been a discussion of allowing fewer than 40 events per year. The Board should be aware of this.

Mr. Pomerantz asked how the residents would have the opportunity to provide feed back on this Ordinance. Ms. Adler explained the process that would be involved in approving the Ordinance and any modification of the existing Special Exception for Bayard Rustin or a new Special Exception and the many opportunities for public comment. The Zoning Hearing Board is specifically required to consider the impact on the neighborhood of any proposal. Following approval of the Special Exception, the residents may comment in writing or at any public meeting. Mr. Pomerantz asked if public comments are posted on the website, or available to the residents. Ms. Adler said residents comments have not been posted on the website, but comments made at public meetings are noted in the minutes which are available on the website for the last three years and in the Township Office.

Ms. Adler reported that the Township Solicitor has suggested removing the Severability clause (Section 2). The Commission concurred. Section 3 will be renumbered as Section 2.

Mr. Pomerantz noted that the word "exceed" was missing in 170-1514.D.5(c)[6]. PC will add this to the draft.

Public Comment

Russ Hatton, Kilduff Circle. Mr. Hatton asked could the Zoning Hearing Board proceedings could be posted on the website. He appreciates that the minutes of the Board and Commission are available. He also noted that he found the WCASD had scheduled 25 events for the 2008-9 school year.

Lynn Hartwig, Russell Lane. Mr. Hartwig asked if individual applications would be required for each event. He also commented that the District might protest if additional requirements for lighting are added at a latter date. Mr. Purcell agreed that the actual permit should include all conditions, not just the lighting specifications.

Christ Lunardi, Bayard Rustin. Mr. Lunardi assured the Commission that the School District always makes contingency plans such as discussed for major events. The District is completely aware of its responsibility in these matters.

PC will send a letter to the Board with its recommendation and elaborating on discussions of the amendment as follows:

1. The concept of starting with 25 rather than 40 events per year was suggested. This would allow the township to assess the impact of the lights and the effectiveness of the schools in dealing with the related issues. The PC suggests the Board may wish to consider this point further.
2. As part of the administration of the lighting permit, the Township should develop a standing list of requirements which would include contingency planning, safety and traffic management, additional security, notification of police, noise management, and parking which must be provided at the time of application.

3. Allowing lighting of sports fields will affect the neighboring residents in ways that go beyond the purview of the lighting section of the Ordinance. The Township needs to mitigate, as best it can, these effects.

Motion (MP/JL), The Planning Commission recommends the Board adopt the draft Lighting Ordinance dated May 30, 2008 with three revisions:

1. Page 4, paragraph 8 should read "...and shall not exceed the..."
2. Section 2, Severability is deleted.
3. Section 3 is re-numbered as Section 2.

In favor: Purcell, Lees, Whittig, Adler. Opposed: Walter, Flynn, Pomerantz.

Tract 2008-1, Rustin Pump Station

PC received plan dated 11/26/2007 and last revised 4/21/2008. PC also received McCormick Taylor review letter dated 5/19/2008. Ms. Adler explained that the plan presented created a new lot on the property currently owned by the West Chester Area School District (WCASD) for the pump station constructed to serve Bayard Rustin High School. The new lot also includes a very small sliver of land currently part of the parcel owned by the Southeastern Pennsylvania Transit Authority (SEPTA). This is necessary because the pump station was not located as originally proposed and a corner of the building is on the SEPTA property. WCASD intends to dedicate the pump station and lot to Westtown Township. The plan also includes the existing easement held by WCASD across the SEPTA property for the force main from the pump station to the Westtown Chester Creek Sewer Plant. The easement shown on the plan is essentially only as wide as the pipe. There seems to be some confusion relating to the specifics of the actual recorded easement.

Westtown Township had asked for a 20' easement over the force main, additional easements which would permit access to the rear of the pump station, and an access easement relating to the existing driveway which is part on SEPTA property.

Kevin Campbell, representing WCASD, said that the District was still in the process of negotiating with SEPTA. He believes that the easement over the force main is actually 20 foot wide. He asked for a month to resolve issues relating to the easements and other comments in the McCormick Taylor letter. Mr. Campbell indicated that an agreement to provide use of the access driveway and access around the building can be achieved but that the more extensive easements are unlikely to be granted by SEPTA. Mr. Campbell will agree to an extension of the review period if required.

Tract 2008-2, Oakbourne Gate House.

PC received plan dated 5/6/2008 and McCormick Taylor memo dated 5/7/2008. The plan is a subdivision of Parcel 67-4-46 which is the central section of Oakbourne Park. Oakbourne Park is zoned "Township". The plan would create a new 1.3 acre lot (Lot 2) for the existing Gate House and its garage. The Township has recently renovated the Gate House and it is rented. Its status as a rental property conflicts with the terms of some of the grants used for improvements at Oakbourne Park, therefore the Board proposes subdividing the property.

The proposed lot conforms to the requirements for R-1 Zoning excepting that the existing house is non-conforming as to front yard setback. Following subdivision approval, the Township would likely proceed to re-zone the property R-1 since use is not listed in the Township District. There is an easement shown along the existing driveway for the utilities serving the cell tower located in Oakbourne Park. The drive would also still serve as an alternate access to the main section of the Park in case of emergency.

The Gate House has public water and is served by an on-site septic system located behind the garage. If the Gate House is to be connected to public sewer an easement across Lot 1 could be provided to make the connection to the new sewer line serving Oakbourne Mansion. PC suggests a plan note confirming this.

Mr. Pomerantz asked for clarification of the Township's position on incoming producing property. Mr. Layman explained various Township income sources and the particular circumstances relating to the Gate House and the grant used for trail development at Oakbourne.

PC requested clarification of the sewer and zoning issues before making a recommendation on this plan.

Public Comment.

Kevin Flynn provided a copy of PennDOT's publication on *Transportation Impact Fees* which he thought would be of interest to the Commission. He suggested it would be of interest to the PC and to the Board. Copies will be provided to the PC members.

He also noted the very poor condition of the remaining undeveloped land in Jefferson Center. Mr. Pingar reported that the new owners are working hard to complete what is necessary to get these projects underway.

Dick Pomerantz said he thought the PC letter accompanying the recommendation on the lighting amendment was appropriate, but indicated concern that promises made by an applicant was not being honored in the case of the high school.

Kevin Flynn said he agreed and indicated his concern was primarily with the number of lighted events.

PC members commented on the fact that the high school is poorly located which is the basis for many of the issues under discussion. It was also mentioned that the residents opposing lighting should make their opinion known to the WCASD which would fund the lighting.

Adjournment. 9:50PM (MP/JL)

Elaine L. Adler
Planning Commission Secretary